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The Veto Power. Its Origin, Development and Function in the government of the United States (1789-1889). By EDWARD CAMPBELL MASON, A.B. [Harvard Historical Monographs. Edited by Albert Bushnell Hart, Ph.D. No. 1.] Boston, Ginn and Company, 1890. — 8vo, 232 pp.

Mr. Mason has made a valuable contribution to our constitutional history. His first chapter, entitled "Genesis of the Veto Power," is perhaps a trifle meagre when compared with the very full chapters that follow; but this deficiency must, it seems, be set down to the exigencies of space which deprived us of the contemplated chapters on the workings of the veto in the states and in modern constitutions.

The next three chapters discuss the entire series of Presidential vetoes, and the basis of classification is found in the fact that "all measures of Congress relate either to the form of the government or to the exercise of its powers." Accordingly the second chapter deals with vetoes affecting the form of government (a limited class); the third, with those affecting the distribution of powers, and the fourth, with those affecting the exercise of powers. The various subdivisions adopted cannot be noted, but they are indicated in the headings of the chapters and can be easily followed.

In the fifth chapter, entitled "Constitutional Procedure as to Vetoes," Mr. Mason, with good reason, controverts Mr. J. H. Benton's proposition that the objections assigned must be objections to the intrinsic merits of the bill. The sixth and final chapter treats of the political development of the veto power. Then follow six appendices, three of which are by the editor of the series. These add much to the value of the treatise, especially the first, which gives a chronological list of all (433) the bills vetoed from April 6, 1789 to March 4, 1889. Ten of these vetoes had been overlooked by the Senate Committee on Printing in their report of 1886. A good index concludes the book, and the proof-reading has been careful, only a few unimportant mistakes having been noticed.

Mr. Mason's treatment of the vetoes discussed is clear and to the point. His freedom from political bias is shown everywhere, especially when he has to deal with the vetoes of Jackson, Tyler, Johnson and Cleveland. His researches have been thorough and the conclusions he has drawn from them are worthy of attention; but only two can be quoted here:

The record forcibly demonstrates the wisdom and foresight of the founders of the constitution, in their expectation that the veto would be an efficient instrument in maintaining the balance of power between the executive and legislative departments.

It may be said that the veto has been used to prevent Congress from unduly extending its authority; that in almost all cases it has been used wisely; and that it has failed only in those cases in which Congress has been supported by a strong public opinion, or in which the majority of the people took no interest.

In conclusion the hope may be expressed that the "irregular intervals" at which this series is announced to appear may not turn out to mean infrequent intervals.

W. P. TRENT.

Essays in the Constitutional History of the United States in the Formative Period, 1775-1789. Edited by J. FRANKLIN JAMESON, PH.D. Boston and New York, Houghton, Mifflin and Company, 1889. - xiii, 321 pp.

The essays comprised in this volume all deal with some phase of the social or political life of the United States during the epoch which the editor calls the formative period (1775-1789). They seek to exhibit in various organizations the workings of that national and humanitarian spirit which is embodied in the Declaration of Independence, the Ordinance for the Government of the Northwestern Territory and the Constitution of 1789. Mr. Guggenheimer's essay on "The Development of the Executive Departments" forms the exception to this statement. It is a careful and thorough study in the history of administrative law. The author takes up the executive departments *seriatim* and by comparison shows how all follow the same law in the process of the separation of the executive from the legislative. The article is somewhat disfigured by an annoying flippancy of tone. It is based on original research, and the author has evidently convinced himself of the correctness of his statements; still, the reader would like to be acquainted with the reasons for some of them.

The first essay, by Professor Jameson, deals with the predecessors of the present federal judiciary: the tribunal for territorial disputes; the commonwealth courts appointed to try charges of piracies and felonies committed upon the high seas; and the court of appeal in cases of capture. It contains a very interesting summary of the origin, history and procedure of these courts; but it is unfortunately brought into comparison with J. C. Bancroft Davis's longer and completer essay on the same subject, contained in the centennial volume of Supreme Court reports. "The Movement toward a Second Constitutional Convention" (Professor Edward P. Smith) is merely a re-threshing of straw already threshed by Bancroft, Curtis and Fiske. Far more original are the fourth and fifth essays. The former, by Professor Wm. P. Trent, treats of the movement toward a national organization in ecclesiastical bodies. The author traces this tendency in each of the several denominations